IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4190 OF 2006

Shashikant Pathak. ...Petitioner.
Vs.
Hussain Ahmad Patel & Anr. ...Respondents.
....
Ms.Preetam Tendulkar i/b. Mr.M. S. Karnik for the Petitioner.
Mr. M. M. Sathaye for Respondent No.1.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

July 6, 2006.

P.C.

The decree has been passed on the ground that the landlord bonafide and reasonably required the premises for his own use and occupation. The evidence shows that there are at least 12 members in the family of the landlord and they are in occupation of only four rooms. The sons are of marriageable age. On behalf of the Petitioner it has been submitted that there is no concept of HUF known to Muslim Law. The submission requires only to be stated to be rejected, since it has no logical sequitur. Here, two brothers and their families reside together. That is

entirely a matter of choice for the landlords. Religion has no bearing on the question. This Court cannot dictate the manner in which the landlords should adjust their affairs or lead their lives. In these circumstances, there is no merit in the first submission. It is next submitted that there is one tenanted room and five members of the tenant are residing therein. Once it is held and demonstrated that the premises are required reasonably and bonafide, the decree cannot be faulted. The tenant has not made any effort to search for alternate premises. Hence, no case for interference is made out. The Petition is dismissed. However, time to vacate the premises is granted until 30th November 2006 subject to the filing of the usual undertaking in this Court within three weeks from today. The undertaking shall be of all the adult members of the family of the tenant and shall include an undertaking to pay all the arrears of rent.

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